## EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

**DOCKET NO.:** 2007-1554-IHW-E **TCEQ ID:** RN104029350 **CASE NO.:** 34691

RESPONDENT NAME: Thomas M. Thorp dba Thorp's Laun-Dry

ORDER TYPE:		
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
AMENDED ORDER	_EMERGENCY ORDER	
CASE TYPE:		
AIR	MULTI-MEDIA (check all that apply)	$\underline{X}$ INDUSTRIAL AND HAZARDOUS WASTE
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION
TYPE OF OPERATION: Dry cleaner facil  SMALL BUSINESS:X_Yes  OTHER SIGNIFICANT MATTERS: Ther facility location.  INTERESTED PARTIES: No one other that COMMENTS RECEIVED: The Texas Reg  CONTACTS AND MAILING LIST:	e are no complaints. There is no record of additional on the ED and the Respondent has expressed an intersister comment period expired on March 10, 2008. None: None: Mr. Colin Barth, Enforcement Division, Enforcement	rest in this matter.  No comments were received.  ent Team 7, MC 128, (512) 239-0086; Mr.

# **RESPONDENT NAME:** Thomas M. Thorp dba Thorp's Laun-Dry

**DOCKET NO.:** 2007-1554-IHW-E

#### VIOLATION SUMMARY CHART: CORRECTIVE ACTIONS PENALTY CONSIDERATIONS VIOLATION INFORMATION TAKEN/REOUIRED Santan a mena sahijin men ACMINIO ANTONIO PROPERTI I Corrective Actions Taken: Type of Investigation: Total Assessed: \$5,450 Complaint X Routine The Executive Director recognizes that on Total Deferred: \$1,090 \_\_\_ Enforcement Follow-up X Expedited Settlement June 28, 2007, the Respondent removed \_\_\_ Records Review the Perc machine from the Facility and installed a secondary containment \_\_Financial Inability to Pay structure around the dry cleaning waste Date(s) of Complaints Relating to this containers at the Facility. Case: None **SEP Conditional Offset: \$0** Date of Investigation Relating to this Total Paid to General Revenue: \$4,360 **Ordering Provisions:** Case: June 20, 2007 The Order will require the Respondent to: Site Compliance History Classification Date of NOV/NOE Relating to this Case: X High Average Poor a. Within 30 days after the effective date of July 17, 2007 (NOE) this Agreed Order, remove and properly Person Compliance History Classification dispose of any soil that reveals Background Facts: This was a routine X High Average Poor contamination above background levels; investigation. and Major Source: \_\_ Yes \_X No WASTE b. Within 45 days after the effective date Applicable Penalty Policy: September 2002 of this Agreed Order, submit written 1) Failed to maintain required certification and include detailed perchloroethylene ("Perc") records. supporting documentation including Specifically, the Respondent's Perc photographs, receipts, and/or other records records were not available upon request to demonstrate compliance with Ordering [30 Tex. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS § Provision a. 63.324(d)]. 2) Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater. Specifically, the Respondent did not have a dike or any other secondary containment structure around the Perc machine or the dry cleaning waste storage area [30 Tex. ADMIN. CODE § 337.20(e)(3)(A)]. 3) Failed to handle industrial waste in such a manner as to prevent the endangerment of public health and welfare. Specifically, the investigator observed spilled dry cleaning waste on the floor surrounding the hazardous waste Perc containers. Also, soil samples taken outside the building revealed dry cleaning waste was present [30 Tex. Admin. Code § 335.4(3)].

Policy Revision 2 (Septe	Penalty Calculatio	n Works	sheet (Po	•	September 19, 2007
TCFO	111001 2002)		11111		
DATES Assigned PCW	23-Jul-2007 25-Sep-2007 <b>Screening</b> 25-Sep-2007	EPA Due	ALCH		
RESPONDENT/FACILITY I	NEORMATION			en e	
Respondent	homas M. Thorp dba Thorp's Laun-Dry	hankfurt met fir i i i i i i i i i i i i i i i i i i	garin da e de la capatra da de la capatra	A RESERVED TO SERVED TO SE	
Reg. Ent. Ref. No.				E-02	
Facility/Site Region 8	3-San Angelo	Major/	Minor Source	Minor	
CASE INFORMATION		Coverbal P	i isina kiliki	nin ili salah adalah penerangan dan	
Enf./Case ID No.	34691	No.	of Violations	3	200 200 200 E
Docket No. 2	2007-1554-JHW-E		Order Type		
	ndustrial and Hazardous Waste	Enf	. Coordinator	Colin Barth EnforcementTeam 7	<u> </u>
Multi-Media Admin. Penalty \$ Li	mit Minimum \$0 Maximum	\$10,000	ECS ream	Emorcement ream i	Ray IS 13
Admin. 1 enaity \$ Li	THE MILITIAL TO THE MAXIMUM	ψ10,000			
	Penalty Calcula	ation Sect	tion		
		e a mentione and we have a company of the later			¢5 500
TOTAL BASE PENAL	ΓΥ (Sum of violation base penaltic	es) ee alareela		Subtotal 1	\$5,500
ADJUSTMENTS (+/-)	O SUBTOTAL 1	la sa comunicació	1550	our reconstitution of contract state of the contract of the co	
	ed by multiplying the Total Base Penalty (Subtotal 1) by	y the indicated perc		ogiStignikani patawa gipianikatifiki keliki 1.54	State Delight Conference
Compliance Histo	ry -10%	Enhancement	Subt	otals 2, 3, & 7	-\$550
Notes	Reduction due to high perfo	ormor etatue			
Notes	Reduction due to mgn pent	orritor status.			
Culpability	No 0%	Enhancement	(A) - compension construction	Subtotal 4	\$0
Contracting		No the state of th			
Notes	The Respondent does not meet th	e culpability cri	iteria.		мосом писом помента по
Good Faith Effort	to Comply 0%	Reduction		Subtotal 5	\$0
Good Latti Ellort	Before NOV NOV to EDPRP/Settlement Offer	The articulation		Signatura C	T =
Extraordinary					
Ordinary	<u> </u>				
N/A	X (mark with x)	<del></del>	<del>aga aga aga aga aga aga aga aga aga aga</del>	1	
Notes	The Respondent does not meet th	ie good faith cr	iteria.		CONTRACTOR
			Harris and Charles	Subtotal 6	\$0
		Enhancement* d at the Total EB\$	Amount	Subtotal o	. ΨΟ
SUM OF SUBTOTALS	· 1-7		A Substitution of the	Final Subtotal	\$4,950
	SPERENCE TO THE TOTAL PERSON ENGINEERING STANSON S	C V 2 12 52 5 7 5 7 5 7 5 1 1 1 1 1 1 1 1 1 1 1 1 1		Mary marks the L. Mary Co.	
OTHER FACTORS AS Reduces or enhances the Final Su	JUSTICE MAY REQUIRE  btotal by the indicated percentage.	10%	The second state of the second	Adjustment	\$500
		the evelded by	oot bonofit		T. CONTRACTOR CONTRACT
Notes	Recommended adjustments to capture associated with the record ke				***************************************
<u></u>	associated with the record ne	cping violation			A. 450
			Final Pe	nalty Amount	\$5,450
STATUTORY LIMIT AI	DJUSTMENT		Final Asse	essed Penalty	\$5,450
	해보면 현실 마양적 (1915년 ) 현실 기업 (1915년 ) 1일 ( - 1915년 - 1915년 ) 1일 (1915년 ) 1일 (191	ATA 91 ALMERSON PAREN			
DEFERRAL		20%	Reduction	Adjustment	-\$1,090
Reduces the Final Assessed Pena	Ity by the indicted percentage. (Enter number only; e.	g. 20 for 20% redu	ction.)		WWW.
<b>.</b>	Deferred offered for an addition	ad sattlement			XXXXXXXXIII III III II II II II II II II
Notes	Deferral offered for expedite	su semement.			
	<u> engant i i esperimento de la comprese personal de la comprese de</u>			<u>1</u>	
PAYABLE PENALTY					\$4,360

	ning Date 25-Sep-2007 Docket No. 2007-1554-IHW-E spondent Thomas M. Thorp dba Thorp's Laun-Dry	Policy Re	evision 2 (Sep
	se ID No. 34691	· ·	vision Septen
A 10 Table 100	ence No. RN104029350		
	[Statute] Industrial and Hazardous Waste	•	
Enf. Co	ordinator Colin Barth		
	Compliance History Worksheet		
liance History		HEAVERON YES	.iyaYi
		nter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	0.00	0%
	Other written NOVs	0, 1	0%
e de la companya de l	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial		001
	of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		0%
	Any non-adjudicated final court judgments or consent decrees containing a denial of liability	1136,424, 1177	
Judgments	of this state or the federal government (number of judgements or consent decrees meeting	i de o	0%
and Consent	criteria)	انبائن خردوا	
Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	inigate in objectively Tipotestorical	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
radio	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	Ò	0%
	Pleas	se Enter Yes or No	
	Environmental management systems in place for one year or more	No	0%
Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
Outo	Participation in a voluntary pollution reduction program	No	0%
and causes	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%
: .	Adjustment Po	ercentage (Su	ıbtotal 2)
ıt Violator (Su	ubtotal 3)		
No		ercentage (Su	btotal 3)

Reduction due to high performer status.

>> Compliance History Summary

Compliance

History Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

Screening Date	25-Sep-2007 <b>Docket No.</b> 2007	7-1554-IHW <b>-</b> E	PCW
	Thomas M. Thorp dba Thorp's Laun-Dry	Policy Re	vision 2 (September 2002)
Case ID No.		PCW Re	vision September 19, 2007
Reg. Ent. Reference No.			
imedia [Statute] Enf. Coordinator	Industrial and Hazardous Waste		Add do an abrillation of the state of the st
Violation Number	1		AAA AAAAAAAA
Rule Cite(s)	A Carry Carr		A CONTRACTOR OF THE CONTRACTOR
raio dia(a)	30 Tex. Admin. Code § 337.20(d)(2) and 40 Code of Feder	ral Regulations § 63.324(d)	as Assessment
			WAR-
	Failed to maintain required perchloroethylene ("perc") rec	ords, as documented during	STEERNOOM PARAMETERS AND PARAMETERS
Violation Description	an investigation conducted on June 20, 2007. Specifica	lly, the Respondent's perc	A.A. (**********************************
	records were not available upon rec	Įuest.	***************************************
			obtambaco-co-du-like Name
		Base Penalty[	\$10,000
>> Environmental, Property a	nd Human Health Matrix	See A Part of the Control of the Con	A ANTI-LITERA AND ANTI-LITERA ANTI-LIT
	Harm	BRIGHT ST. ST. ST. ST. ST. ST. ST. ST. ST. ST	THE AND ADDRESS OF THE ADDRESS OF TH
OR Release	Major Moderate Minor		nanvaranananan n
Potential	Perc	cent 0%	THE SALE OF THE SA
		3000000000 minore anno anno anno anno anno anno anno ann	100000000000000000000000000000000000000
>>Programmatic Matrix	Major Moderate Minor		ano minorità del del como del
Falsification	Major Moderate Minor x Pero	cent 10%	incodePinEd-A-Avii
Matrix			WWW.dust/WWW.
Notes	100% of the rule requirement was not met		(A)Annassooo
			· ·
	Adjus	tment \$9,000	h-delections and delection in the second sec
		Ī	\$1,000
		l.	
Violation Events		AND THE PROPERTY OF THE PROPER	NANAMATANA ANTANA
Number of Vio	olation Events 1 97 Nun	nber of violation days	nanowwithable
		·	www.hove.
	daily		ELEVANA ELEVAN
mark only one	monthly quarterly	Violation Base Penalty	\$1,000
with an x	semiannual		WWW.
	annual .		Volume
	single event x		h.h.c.
			A PARTICULAR PROPERTY AND A PARTICULAR PROPE
	One single event is recommended.		Valuation
Economic Benefit (EB) for th	is violation	itutory Limit Test	
		/iolation Final Penalty Total	\$991
Estimate			
	This violation Final Assessed	Penalty (adjusted for limits)	\$991

Case ID No. 3		orp dba Thorp's Lau				erad paiasara	
						* *	
Reg, Ent. Reference No. F						pita seria min	www.gog
		łazardous Waste				Percent Interest	Years of
Violation No. 1	1				The compared posts passivery s	L. Soloka, L. Lee	Depreciatio
					TODA DIEMA	5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$	othologic Blothers of	is - 7 k 37 faller för skriften sid	With Lyfryd	Lancard Commence (	Rule Cite(s)	
Delayed Costs	problem secul. Sure	The second se	Sand Stranger and Progress and	iks wegen	guspologia kalendari opi i i i i i ritore.		
Equipment				0.0	\$0	\$0	\$0
Bulldings	4 to 200 to 100			0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0 (#33335580)	\$0
Engineering/construction				0,0	\$0		\$0
Land			<del>day deljer ir ya tuqila puda aktala</del> na	0,0	\$0 \$0	n/a n/a	\$0 \$0
Record Keeping System	<u> </u>			0.0	\$0	n/a	\$0 \$0
Training/Sampling Remediation/Disposal				0.0	\$0	n/a	\$0 \$0
Permit Costs	<del></del>			0.0	\$0	n/a	\$0
Other (as needed)	<u> </u>			0.0	\$0	n/a	\$0 \$0
				1	dd agollod bos		
Notes for DELAYED costs				i garan Mga ta Mga taga t		SERSENCE	प्रदेशिक कर भी तेल हैं। यह दर्ग
a 200 to 100 to 100 to 100 to 100 to	ANN	IUALIZE [1] avoide	\$65_3a3x3x3d3d23a33q5qax83d		l (	aredivii	osts)
Notes for DELAYED costs  Avoided Costs  Disposal	ANN	IUALIZE [1] avoid	\$65_3a3x3x3d3d23a33q5qax83d		l (		osts) \$0
Avoided Costs	ANN	IUALIZE [1] avoid	\$65_3a3x3x3d3d23a33q5qax83d	ntering	Item (except for	or astoC one-time avoided o	
Avoided Costs Disposal	\$500	IUALIZE [1] avoid	\$65_3a3x3x3d3d23a33q5qax83d	ntering   0,0   0,0   1.0	tem (except for   \$0	one-time avoided o	\$0 \$0 \$525
Avoided Costs Disposal Personnel	Januara a sala sala sala sala sala sala sala		ed costs before e	ntering 0,0 0,0 1,0 0,0	tem (except for   \$0	one-time avoided c \$0 \$0 \$500	\$0 \$0 \$525 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$500		ed costs before e	ntering   0,0   0,0   1,0   0,0   0,0	Item (except for   \$0	one-time avoided c \$0 \$0 \$500 \$500	\$0 \$0 \$525 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	Januara a sala sala sala sala sala sala sala		ed costs before e	0,0 0,0 1,0 0,0 0,0 0,0 0,0	SO   \$0   \$0   \$25   \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$	one-time avoided of \$0 \$0 \$500 \$500 \$0 \$0	\$0 \$0 \$525 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	\$500		ed costs before e	ntering   0,0   0,0   1,0   0,0   0,0	Item (except for   \$0	one-time avoided c \$0 \$0 \$500 \$500	\$0 \$0 \$525 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	\$500	20-Jun-2006	20-Jun-2007	ntering   0,0   0,0   1,0   0,0   0,0   0,0   0,0   0,0	SO   \$0   \$0   \$25   \$0   \$0   \$0   \$0   \$0   \$0   \$0   \$	one-time avoided of \$0 \$0 \$500 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$525 \$0 \$0 \$0 \$0

Screening Date	25-Sep-2007 <b>Docket No.</b> 2007-1554-	HW-E PCW
Respondent	Thomas M. Thorp dba Thorp's Laun-Dry	Policy Revision 2 (September 2002)
Case ID No.		PCW Revision September 19, 2007
Reg. Ent. Reference No.		
	Industrial and Hazardous Waste	
Enf. Coordinator		
Violation Number	2	
Rule Cite(s)	30 Tex. Admin. Code § 337.20(e)(3)(A)	
Violation Description	Failed to install a dike or other secondary containment structure cleaning unit and around each storage area for dry cleaning solv waste, or dry cleaning wastewater, as documented during an invest June 20, 2007. Specifically, the Respondent did not have a dike or containment structure around the perc machine or the dry cleaning	vents, dry cleaning igation conducted on any other secondary
		Base Penalty \$10,000
>> Environmental, Property a		
Release	Harm Major Moderate Minor	
OR Actual		
Potential	X Percent	25%
>>Programmatic Matrix		
Falsification	Major Moderate Minor	
	Percent	0%
5 19 9 A A	or the environment will or could be exposed to pollutants which wo	uld exceed levels that
Notes	are protective of human health or environmental receptors.	
C C C C C C C C C C C C C C C C C C C		
Property of the second	Adjustment	\$7,500
	•	\$2,500
Violation Events		Ele Presidentis
Number of Vic	plation Events 1 8 Number of	violation days
radinger of vic	itame. e.	,
	daily	
	monthly	plation Base Penalty \$2,500
mark only one with an x	quarterly x Vi	olation Base Penalty \$2,500
	annual	
· ·	single event	
( <del></del>		
One quarter	ly event is recommended from the June 20, 2007 investigation date date of compliance.	to the June 28, 2007
Economic Benefit (EB) for th	is violation Statutory	Limit Test
	NI DECEMBER DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DEL COMPANIA DE LA COMPANIA DE LA COMPANIA DE LA COMPANIA DEL COMPANIA DEL COMPANIA DEL COMPANIA DE LA COMPANIA DE LA COMPAN	n Final Penalty Total \$2,477
Estimated	d EB Amount \$4 Violatio	h
	This violation Final Assessed Penalty	(adjusted for limits) \$2,477

	idayana D	conomic	Benefit W	orks	sneet.	S. West pains	400
Respondent	Thomas M. Tho	orp dba Thorp's La	un-Dry			9.00	
Case ID No.	34691					·	
Reg. Ent. Reference No.	RN104029350					394 - 1925	
Media	Industrial and F	lazardous Waste				Barrier Lawrence	Years of
Violation No.	2					Percent Interest	Depreciatio
1.0,0,0,0,0,0,0	Margaday				garacie alfasti all	5.0	i. Militari
		gerander betreit. De <u>Skildelichte</u> n betreiten ge-	والمنطور والمدا	1840, 141		المعاردة بتنامات أسامت فالمائك والمائك والمائية والمائية والمستسيرة	pangagagagapanananananananananananan sa
	III Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amoun
Item Description	No commas or \$	Liver above the liver that the far her	aga a militar asar (	Kay or -		mucas ama	
1000 0 220 200 0 0 0 0 0 0				state factor, von Manno		CB 65	
Delayed Costs	the distribution of						in in
Equipment			Activities and the second control of the sec	0.0	\$0	\$0	\$0
Bulldings		The World	South And a subsection of the bill are read	0,0	\$0	\$0	\$0
Other (as needed)			Science and The Review	0,0	\$0	\$0	\$0
Engineering/construction	\$2,500	20-Jun-2007	28-Jun-2007	0.0	\$0	\$4	\$4
Land				0.0	\$0	n/a	\$0
Record Keeping System		Market Control of the con-	<del>ligaria de la constanta de la</del>	0.0	\$0	n/a	\$0
Training/Sampling	- in the second			0,0	\$0 \$0	n/a n/a	\$0 \$0
Remediation/Disposal Permit Costs			797 (b) 10 10 10 10 10 10 10 10 10 10 10 10 10	0.0	\$0	n/a n/a	\$0 \$0
Other (as needed)		PROPERTY OF THE PROPERTY OF TH	Bragging provides the reference of	0.0	\$0 \$0	n/a	\$0
			r other cocondany				
Notes for DELAYED costs	waste stora	ge area. The Date	Required is the in	vestigat	ion date and the F	the perc machine ar	in which the
	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	ivestigat ainment	ion date and the F for the dry cleanin	inal Date is the date g waste storage area	in which the
Avoided Costs	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	vestigat ainment intering	ion date and the F for the dry cleanin item (except for	inal Date is the date g waste storage area one-time avoided c	in which the a. osts)
Avoided Costs	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	ivestigat ainment intering	ion date and the F for the dry cleanin item (except for \$0	inal Date is the date g waste storage area one-time avoided c	in which the a.  osts)  \$0
Avoided Costs Disposal Personnel	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	nvestigat ainment intering 0.0	lon date and the F for the dry cleanin item (except for \$0 \$0	inal Date is the date g waste storage area  pne-time avoided c  \$0  \$0	in which the a.  osts)  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	ivestigat ainment intering	ion date and the F for the dry cleanin item (except for \$0	inal Date is the date g waste storage area one-time avoided c	in which the a.  osts)  \$0
Avoided Costs Disposal Personnel	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	nvestigat ainment ntering 0.0 0.0	ion date and the F for the dry cleanin item (except for \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	nvestigat ainment ntering 0.0 0.0 0.0	ion date and the F for the dry cleanin Item (except for \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0	osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	waste stora	ge area. The Date Respondent installe	Required is the ired secondary cont	entering 0.0 0.0 0.0 0.0 0.0 0.0	ion date and the F for the dry cleanin Item (except for \$0 \$0 \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0 \$0	in which the a.  osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	waste stora	ge area. The Date Respondent installe UALIZE [1] avoid	Required is the ired secondary cont	nvestigat ainment ntering 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	ion date and the F for the dry cleanin  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	in which the a
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	waste stora	ge area. The Date Respondent installe UALIZE [1] avoid	Required is the Ired secondary control ed costs before e	rvestigat ainment entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ion date and the F for the dry cleanin  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	in which the a.  osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	waste stora	ge area. The Date Respondent installe UALIZE [1] avoid	Required is the Ired secondary control ed costs before e	rvestigat ainment entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ion date and the F for the dry cleanin  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	in which the a.  osts)  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	waste stora	ge area. The Date Respondent installe UALIZE [1] avoid	Required is the Ired secondary control ed costs before e	rvestigat ainment entering 0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.	ion date and the F for the dry cleanin  Item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	inal Date is the date g waste storage area cone-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	in which the a.  osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Screening Date			<b>t No.</b> 2007-1554-IHW-E		PCW
를 보고 있는 사람들은 사람들이 있다. 그는 그는 그는 사람들이 얼마를 살아야 한다면 하다면 없다.	Thomas M. Thorp dba	Thorp's Laun-Dry		Policy Revision 2 (Sep	·
Case ID No.				PCW Revision Septen	ıber 19, 2007
Reg. Ent. Reference No.	Industrial and Hazardou	us Waste			
Enf. Coordinator		40 174010			
Violation Number					
Rule Cite(s)		30 Tex. Admin. Code	§ 335.4(3)		A CONTRACTOR ASSESSED.
Violation Description	public health and welfa 2007. Specifically, the surrounding the hazare	re, as documented during the investigator observed s	ner as to prevent the endang an investigation conducted of spilled dry cleaning waste on rs. Also, soil samples taken of g waste was present.	on June 20, the floor	
	ı		Ва	se Penalty	\$10,000
>> Environmental, Property a	and Human Health	Matrix	assume or a sign of		
	Harm	1	AND THE REPORT OF THE PROPERTY		
OR Release					
Potential	<u> </u>	X	Percent 10%		
>>Programmatic Matrix	SHARROW	A CHARLES THE PROPERTY OF THE PARTY OF THE P	in the state of th		
<u>Falsification</u>	Major Modera	ate Minor			
Control Philip			Percent 0%		·
Matrix Notes Human hea	Ith or the environment h not exceed levels prot	nas been exposed to insigr tective of human health or	nificant amounts of pollutants environmental receptors.	which do .	
	ARTERIO DE CAMPONIA DE CONTROLEMANO.	parties sectionally assistant	Adjustment	\$9,000	
					\$1,000
					Ψ1,000
Violation Events	ALCOHOLOGICAL SERVICE	Terminal Care State of the Stat	MEST SHARES SHARE	the property of the	
Number of Vi	olation Events 2	9	7 Number of violation d	ays	
ramor or vi			#Malamadical		
	daily				
monte only one	monthly quarterly x		Violation Ba	se Penalty	\$2,000
mark only one with an x	semiannual		Violation Do		
	annual				
	single event				
		1 15 10 10 00	NOT :		
Two quarte		date of September 25, 20	007 investigation date to the 07.	screening	
Economic Benefit (EB) for th	is violation		Statutory Limit T	est	34407
Estimate	d EB Amount	\$70	Violation Final Pe	nalty Total	\$1,982
		This violation Final	Assessed Penalty (adjusted	I for limits)	\$1,982
AND THE RESERVE OF THE PROPERTY OF THE PROPERT	THE REPORT OF THE PERSON	5896656	HEROS TO A CHARACTER A SINGE	CONTRACTOR OF THE STATE OF THE	

	10 4 E 10 E	conomic l	3enefit W	orks	sheet	68. <b>96</b> 8	
Respondent	Thomas M. Th	orp dba Thorp's Lau	ın-Dry				
Case ID No.	34691					. (a ( )	
Reg. Ent. Reference No.	RN104029350				1000		
		Hazardous Waste				Balanda III.	Years of
Violation No.						Percent Interest	Depreciation
Violation IVO					din Baidh, agus a	5.0	
		a Livinguistitation			o alagadia alaga s	and the second s	1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		or someonical final and a someonical and a			enginderentationer i menti.		
Delayed Costs	epotes a s	, , , , , , , , , , , , , , , , , , ,	M. S. 107.2	0.0	\$0	<b>\$0</b> I	\$0
Buildings		Product of the Control of the Contro		0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	van er de de de la company	Tribanta Salah Jada	n pastration	0.0	\$0	\$0	\$0
Land	11,542,71			0,0	\$0	n/a	\$0
Record Keeping System			Carrier to progress of	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,500	20-Jun-2007	26-May-2008	0,9	\$70	n/a	\$70
Permit Costs	وروا فرد ما قاب بمشور بريد		The state of the s	0.0	\$0	n/a	\$0
Other (as needed)	Jack Haal land	A PROPERTY OF THE		0.0	\$0	n/a	\$0
Notes for DELAYED costs  Avoided Costs  Disposal	Re	equired is the invest	igation date and t	ne Final	Date is the estima	and contaminated steed date of complian	nce.
Personnel	The state of the s			0.0	\$0	\$0	\$0.
Inspection/Reporting/Sampling				0.0	\$0	\$0	<b>\$</b> 0
Supplies/equipment		and the second second	al a color of the color of the	0.0	\$0	\$0	\$0
Financial Assurance [2]	distance in the control of the contr		الأراد المستقدية المستقدية المستقدات	0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		P. C. C. C. C.		0,0	\$0	\$0	\$0
Other (as needed)		The Land of the book of	المستشريب الشارس أستا	0.0	\$0	\$0	\$0
the second	Jack William	學性 發展 克克克斯氏	nijalih Prica e sad	40.	Burner College Blade	Or whole state	V-37.59
	akriçildir. Ar	Ar Arts Actions	ar respectively.	7 J. H.			and i
Notes for AVOIDED costs							
•	Real parameters of	The day with the first of the con-			er de la grande de la companya de l La companya de la co		
	Ladron and American	<del>aktorija pravasta iz sasta sasta šili</del> Titoti					
Approx. Cost of Compliance		\$1,500	•		TOTAL		\$7

# **Compliance History**

Customer/Respondent/Owner-Operator:	CN602505778	THOMAS M. THORP		Classification: HIGH	Rating: 0.0
Regulated Entity:	RN104029350	THORP'S LAUN-DRY		Classification: HIGH	Site Rating: 0.0
ID Number(s):					
Location:	113 W PLUM ST	, SONORA, TX, 76950			
TCEQ Region:	REGION 08 - SA	N ANGELO			
Date Compliance History Prepared:	September 21, 20	007			
Agency Decision Requiring Compliance History:	Enforcement				
Compliance Period:	September 21, 20	002 to September 21, 2007			
TCEQ Staff Member to Contact for Additional Info	rmation Regarding	this Compliance History			
Name: Colin Barth	Ph	one: 512 239 0086			
	Site C	ompliance History Com	ponents		
1. Has the site been in existence and/or operation	for the full five yea	r compliance period?	Yes		
2. Has there been a (known) change in ownership	of the site during the	ne compliance period?	No		
3. If Yes, who is the current owner?			N/A		_
4. if Yes, who was/were the prior owner(s)?			N/A		
5. When did the change(s) in ownership occur?			N/A		
Components (Multimedia) for the Site :					
A. Final Enforcement Orders, court judgemen	nts, and consent de	crees of the state of Texas a	nd the federal go	overnment.	
N/A					
B. Any criminal convictions of the state of Te	xas and the federal	government.			
N/A					
C. Chronic excessive emissions events.		4			
N/A					
D. The approval dates of investigations. (CCI	EDS Inv. Track. No.	)			
1 07/17/2007 (566350)					
N/A					
E. Written notices of violations (NOV). (CCEI	OS Inv. Track. No.)				
F. Environmental audits.					
N/A					
G. Type of environmental management syste	ems (EMSs).				
N/A					
H. Voluntary on-site compliance assessment	dates.	N.			
N/A					
I. Participation in a voluntary pollution reducti	on program.				
N/A					
J. Early compliance.					
N/A					
Sites Outside of Texas					
N/A					

٠.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
THOMAS M. THORP DBA THORP'S	§	
LAUN-DRY	§	ENVIRONMENTAL QUALITY
RN104029350		

## AGREED ORDER DOCKET NO. 2007-1554-IHW-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Thomas M. Thorp dba Thorp's Laun-Dry ("Mr. Thorp") under the authority of TEX. HEALTH & SAFETY CODE ch. 361 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Thorp appear before the Commission and together stipulate that:

- 1. Mr. Thorp owns and operates a dry cleaner facility at 113 West Plum Street in Sonora, Sutton County, Texas (the "Facility").
- 2. The Facility involves or involved the management of industrial hazardous waste as defined in Tex. Health & Safety Code ch. 361.
- 3. The Commission and Mr. Thorp agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Thorp is subject to the Commission's jurisdiction.
- 4. Mr. Thorp received notice of the violations alleged in Section II ("Allegations") on or about July 22, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Thorp of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of Five Thousand Four Hundred Fifty Dollars (\$5,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

Mr. Thorp has paid Four Thousand Three Hundred Sixty Dollars (\$4,360) of the administrative penalty and One Thousand Ninety Dollars (\$1,090) is deferred contingent upon Mr. Thorp's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Mr. Thorp fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Thorp to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Mr. Thorp have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that on June 28, 2007, Mr. Thorp removed the perchloroethylene ("Perc") machine from the Facility and installed a secondary containment structure around the dry cleaning waste containers at the Facility.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Mr. Thorp has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

### II. ALLEGATIONS

As owner and operator of the Facility, Mr. Thorp is alleged to have:

- 1. Failed to maintain required Perc records, in violation of 30 Tex. ADMIN. CODE § 337.20(d)(2) and 40 CODE OF FEDERAL REGULATIONS § 63.324(d), as documented during an investigation conducted on June 20, 2006. Specifically, Mr. Thorp's Perc records were not available upon request.
- 2. Failed to install a dike or other secondary containment structure around each dry cleaning unit and around each storage area for dry cleaning solvents, dry cleaning waste, or dry cleaning wastewater, in violation of 30 Tex. ADMIN. CODE § 337.20(e)(3)(A), as documented during an investigation conducted on June 20, 2006. Specifically, Mr. Thorp did not have a dike or any other secondary containment structure around the Perc machine or the dry cleaning waste storage area.
- 3. Failed to handle industrial waste in such a manner as to prevent the endangerment of public health and welfare, in violation of 30 Tex. ADMIN. CODE § 335.4(3), as documented during an investigation conducted on June 20, 2006. Specifically, the investigator observed spilled dry

en production de la company de la compan La company de la company d La company de la company de

in the factor of the second control of the s

Thomas M. Thorp dba Thorp's Laun-Dry DOCKET NO. 2007-1554-IHW-E Page 3

cleaning waste on the floor surrounding the hazardous waste Perc containers. Also, soil samples taken outside the building revealed dry cleaning waste was present.

#### III. DENIALS

Mr. Thorp generally denies each allegation in Section II ("Allegations").

#### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Thorp pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Mr. Thorp's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Thomas M. Thorp dba Thorp's Laun-Dry, Docket No. 2007-1554-IHW-E" to:

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. It is further ordered that Mr. Thorp shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of any soil that reveals contamination above background levels, in accordance with 30 Tex. Admin. Code § 335.4(3); and
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Thomas M. Thorp dba Thorp's Laun-Dry DOCKET NO. 2007-1554-IHW-E Page 4

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Waste Section Manager San Angelo Regional Office Texas Commission on Environmental Quality 622 South Oakes, Suite K San Angelo, Texas 76903-7013

- 3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Thorp. Mr. Thorp is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If Mr. Thorp fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Mr. Thorp's failure to comply is not a violation of this Agreed Order. Mr. Thorp shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Mr. Thorp shall notify the Executive Director within seven days after Mr. Thorp becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Thorp shall be made in writing to the Executive Director. Extensions are not effective until Mr. Thorp receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
- 6. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Thorp in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 Tex. ADMIN. Code § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Thorp, or three days after the date on which the Commission mails notice of the Order to Mr. Thorp, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

•

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	$\frac{3/2i/2008}{\text{Date}}$

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Signature THOMAS IN THORP Date

Name (Printed or typed)
Authorized Representative of

Title

Thomas M. Thorp dba Thorp's Laun-Dry

**Instructions**: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.